

REMARKS

A final Office Action was mailed on May 29, 2003. Claims 1 – 32 are pending in the present application. Claims 1, 9, 12, 17, 29 and 32 are amended, and claims 33 - 36 are added. No new matter is introduced. Support may be found, for example, at page 10, line 10 through page 11, line 14, page 13, lines 13 – 24 and page 16, lines 7 – 14 of Applicants' specification.

REJECTION UNDER 35 U.S.C. §§ 102, 103

Claims 1 – 22, 26 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6, 377,932 to DeMarcken. Claim 23 is apparently rejected on this basis as well. Claims 24, 25, 27 and 29 - 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over DeMarcken in view of U.S. Patent No. 6,923,679 to Acebo et al. and the Examiner's official notice. Applicants amend claims 1, 9, 12, 17, 29 and 32 to further clarify the nature of their invention, and respectfully traverse these rejections.

As claimed in independent claims 1, 9, 12, 17 and 29, Applicants disclose a computerized e-commerce system and method, the system comprising a) two or more product offerings from two or more vendors including one or more of price, time, use, class and availability restrictions and rules, b) computer storage for retaining the two or more offerings, c) means for compiling packages including two or more offerings of at least two distinct product types, compiled based on matching criteria including defined restrictions and other criteria including any of geographic distributions, product type, time considerations, cost, and distribution channel limitations, and d) means for determining package costs based on any one of summing offering costs, commissions,

discounts and promotions, wherein the compilation is performed at least partially before an interactive request for packages is received. Importantly, the defined restrictions for at least one product in a package depend on at least another product accepted in or excluded from the package.

DeMarcken discloses an airline travel planning system that is designed to calculate prices of travel products that are combinations of multiple “sub-products” from one or more suppliers within a singular industry based on a single source of “sub-product” price information for each “sub-product” supplier. In practice, this planning system is used to price multiple air passenger flight routings for a requested travel itinerary considering price and schedule offered by multiple carriers over the various segments where their service is relevant to the request. For example, a passenger requests flight information for a roundtrip travel itinerary from Chicago to Dallas on certain travel dates (travel product). The DeMarcken system would price direct roundtrips on American and United, online or single-carrier connections provide by other carriers like Continental through Cleveland and Houston, and any number of inter-line or multi-carrier connections like American connecting to Northwest Airlines over Minneapolis, Memphis or Detroit. The DeMarcken system queries a single source of itinerary and pricing information to get the applicable flight segments (“sub-product”) of each air carrier (supplier), combines these “sub-products” into a number of travel products (Chicago to Dallas to Chicago travel itineraries), and prices each of these unique travel products based on their component “sub-products”.

In contrast to the DeMarcken system, Applicant describes a system packaging products of varying type offered by different vendors, and on the basis of rules that define how a vendor product is to be sold when combined with other vendors’ products in a package query. For

example, such rules may define preferred vendor partners, excluded vendor partners, limitations on the cost share for a given vendor in a package, and the like (see, e.g., page 13, lines 13 – 24 of Applicants' specification).

This feature of Applicants' claimed invention enables vendors to exercise control over the manner in which their products are used in multi-vendor packages. For example, if "Airline X" is under a threat of employee work stoppage, "Hotel M" may choose to define rules that exclude the airline from any package Hotel M may participate in, in order to reduce the likelihood of later hotel cancellations. Similarly, if Airline X forms an alliance with Hotel M, Airline X may choose to define rules that require a pairing of Airline X products with Hotel M products, and/or offer aggressive pricing for such combinations.

DeMarcken discloses product rules including "industry-standard information pertaining to travel" that pertain to a vendor's product, for example such as special fare rates available with advance purchase and non-refundability restrictions (see, e.g., column 3, lines 8 – 13 of DeMarcken). However, in sharp contrast to Applicants' claimed invention, DeMarcken neither suggests nor otherwise discloses product rules that depend on at least another product accepted in or excluded from a package.

Acebo discloses a method and system for automatically generating preticketed travel information for a traveler at a centralized computer as reservations are completed in one or more customer reservation systems (CRSs). Like DeMarcken, Acebo fails to suggest or disclose Applicants' claimed means for assembling compilation packages containing two or more product offerings, in which product rules pertaining to one product selected for the package depend on at least another product accepted in or excluded from the package.

Accordingly, Applicants respectfully submit that their invention as disclosed in independent claims 1, 9, 12, 17 and 29 is not anticipated or made obvious by the cited references. As dependent claims 2 – 8, 10, 11, 13 – 16, 18 – 28 and 30 – 32 each depend from one of allowable claims 1, 9, 12, 17 and 29, Applicants respectfully submit that dependent claims 2 – 8, 10, 11, 13 – 16, 18 – 28 and 30 – 32 are also allowable for at least this reason.

CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1 – 36, which include independent claims 1, 9, 12 17 and 29, and the claims that depend therefrom, stand in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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